

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANA KARLA RODRIGUEZ-TORREZ,

Defendant.

8:17CR286**ORDER**

This matter is before the Court on defendant Ana Karla Rodriguez-Torrez’s (“Rodriguez-Torrez”) Motion to Dismiss for Outrageous Government Conduct and Request for Hearing (Filing No. 259). According to Rodriguez-Torrez, the government has outrageously filed charges against her for money laundering “based upon ‘guilt by association’” without an adequate investigation or sufficient evidence to convict her. The government filed a thorough response (Filing No. 261) denying any misconduct and contending Rodriguez-Torrez’s motion is wholly without merit.

On September 21, 2018, the magistrate judge¹ issued a Findings and Recommendation (Filing No. 266) pursuant to 28 U.S.C. § 636(b)(1) recommending the Court deny Rodriguez-Torrez’s motion without an evidentiary hearing. The magistrate judge identified three plausible grounds for denying the motion: (1) it was untimely and Rodriguez-Torrez failed to seek leave before filing the motion or show good cause for the almost six-month delay, *see* NECrimP 12.3(a); (2) Rodriguez-Torrez did not file a supporting brief as required by NECrimP 12.3(b)(1), permitting the Court to consider the motion abandoned; and (3) Rodriguez-Torrez failed to present “facts raising even a colorable outrageous government conduct claim.” Opting for the third grounds and quoting

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

United States v. Swiatek, 819 F.2d 721, 725 (7th Cir. 1987), the magistrate judge recommends denying Rodriguez-Torrez's without an evidentiary hearing because she failed "to raise a significant doubt about the propriety of the government's actions."

Section 636(b)(1) requires the Court to review de novo any "specified proposed findings or recommendations to which objection is made." Absent such an objection, however, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991). Failing to object "eliminates not only the need for de novo review, but *any* review by the district court." *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985)); *see also* Fed. R. Crim. P. 59 (a), (b)(2) (explaining the failure to timely object waives the right to review); NECrimR 59.2(a), (e).

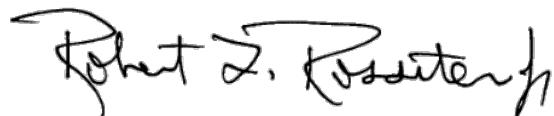
Here, the magistrate judge reminded the parties they had fourteen days to object to his findings and recommendation and that failing to do so could constitute a waiver. Neither party objected within the time permitted, so further review is unnecessary. *See Peretz*, 501 U.S. at 939. Accordingly,

IT IS ORDERED:

1. The magistrate judge's Findings and Recommendation (Filing No. 266) are accepted in their entirety. Any objections are deemed waived.
2. Defendant Ana Karla Rodriguez-Torrez's Motion to Dismiss for Outrageous Government Conduct and Request for Hearing (Filing No. 259) is denied.

Dated this 11th day of October 2018.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge